IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Crl.Rev.Pet.No. 477 of 1999()

CRA.24/1996 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.179/1993 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONER:

SADASIVAN, THEKKEKUZHIPALLYIL VEEDU,
WARD NO.5, PATTANAKKADU PANCHAYATH,

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS:

THE STATE, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.2070/99 IN CRL.R.P.477/1999
DISMISSED.

3-4-2007 SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R.UDAYABHANU, J.

CRL.R.P.NO. 477 of 1999

Dated this the 2nd day of April, 2007

ORDER

The revision petitioner stands convicted for the offence under section 304(A) IPC and sentenced to undergo simple imprisonment for 3 months.

2. The prosecution case is that on 7-4-93 at about 2.30 p.m., the lorry driven by the accused in a rash and negligent manner hit down the deceased Janaki Amma aged 79 years who was waiting on the side of the road.

3. The evidence adduced in the mater consisted of the testimony of PW1 to PW-15 and Exts. P1 to P12. The direct evidence in the matter has been tendered by PW-5, the grand daughter of the deceased. She has testified that after hitting the deceased, the driver/accused stopped the vehicle and got down from the lorry. She has identified the accused. It is her version that the vehicle was driven in an excessive speed. The vehicle had no mechanical defect as is evident from the testimony of PW-10 R.T.O. and Ext.P8 report of the inspection of the lorry.

4. In the circumstances, I find no reason to interfere in the

findings of the courts below as the matter concerned is only appreciation of evidence. The conviction is confirmed.

5. The counsel for the revision petitioner pleaded for leniency pointing out that the incident has taken place in April 1993, i.e., 14 years back and that the accused has been facing criminal proceedings so far.

6. In the circumstances, the sentences is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- vide section 357(3) Cr.P.C. to the L.Rs of the deceased, and in default to undergo simple imprisonment for three months. The revision petitioner is granted 4 months time from today onwards to pay the compensation.

The Crl.R.P. is disposed of accordingly.

The revision petitioner shall appear before the JFCM-II, Cherthala on 2-8-2007 to receive the sentence.

K.R.UDAYABHANU,
JUDGE

kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. NO.477 OF 1999

ORDER

2-4-2006.